

**REMARKS**

An excess claim fee payment letter is submitted herewith for seventeen (17) excess total claims.

Claims 1-37 are all the claims presently pending in the application. Claims 1, 2, 4-9, 10, 12, and 14-20 have been amended merely to make editorial changes in conformance with U.S. Patent practice. Claims 21-37 have been added to provide more varied protection for the present invention.

It is noted that the claim amendments are made only for more particularly pointing out the invention, and not for distinguishing the invention over the prior art, narrowing the claims or for any statutory requirements of patentability. Further, Applicant specifically states that no amendment to any claim herein should be construed as a disclaimer of any interest in or right to an equivalent of any element or feature of the amended claim.

Applicant gratefully acknowledges that claims 4-7, 10-17, and 20 would be allowable if rewritten in independent form, and that claims 5 and 12 also would be allowable if rewritten in independent form and amended to overcome the rejection under 35 U.S.C. § 112, second paragraph, as set forth below. However, Applicant respectfully submits that all of the claims are allowable for the reasons set forth below. Applicant reserves the right to rewrite the allowable claims in independent form at a later time.

Claims 5 and 12 stand rejected under 35 U.S.C. § 112, second paragraph.

Claims 1-3, 8-9 and 18-19 stand rejected on prior art grounds under 35 U.S.C. § 102(e) as being anticipated by Sakurai, et al. (U.S. Patent No. 6,345,030).

These rejections are respectfully traversed in the following discussion.

## **I. THE CLAIMED INVENTION**

The claimed invention is directed to a disc player.

In an illustrative, non-limiting embodiment of the invention, as defined by independent claim 1, a disc player includes a positioning unit for positioning a disc, a clamper unit for performing a clamp operation on the disc positioned by the positioning unit, and a drive unit that includes a pickup and a turntable, and rotates the disc clamped on the turntable by the clamp unit to take out information from the disc by the pickup, wherein the positioning unit and the clamper unit are provided separately from each other and movable substantially vertically to the drive unit.

According to the claimed invention, the positioning unit and the clamper unit are separately provided, and thus the moving amounts of both the positioning unit and the clamper unit can be set to different values, as further defined, for example, by dependent claim 8.

That is, the moving amount of the positioning unit can be set to such a value that a vibration-isolation stroke can be kept, and the moving amount of the clamper unit can be set to such a value that the vibration-isolation can be kept, and also the clearance between a clamper plate of the clamper unit and a clamper ring of the clamper unit can be kept, as further defined, for example, in dependent claim dependent claim 2 (e.g., see specification at page 3, lines 13-20).

Thus, the claimed invention, as defined for example by dependent claim 2, provides a step plate and a clamp plate that are designed to be movable vertically to the drive plate, such that the moving amounts of the step plate and the clamp plate can be more reduced as compared with conventional devices in which the clamper for clamping the disc

onto the turntable is moved relatively to the turntable by the rotation of the clamp arm and/or a conventional case in which the step plate and the clamp plate are integrally rotated.

Thus the disc player according to the claimed invention can be designed such that is has a thin structure (e.g., see specification at page 3, lines 13-20).

## **II. THE 35 U.S.C. § 112, SECOND PARAGRAPH, REJECTION**

Allowable claims 5 and 12 stand rejected under 35 U.S.C. § 112, second paragraph.

Allowable claims 5 and 12 are amended to provide proper antecedent basis, thereby overcoming the rejection under 35 U.S.C. § 112, second paragraph.

Therefore, the Examiner respectfully is requested to withdraw the rejection of allowable claims 5 and 12 under 35 U.S.C. § 112, second paragraph, and permit allowable claims 5 and 12 to pass to allowance.

## **III. THE PRIOR ART REJECTION**

Claims 1-3, 8-9 and 18-19 stand rejected on prior art grounds under 35 U.S.C. § 102(e) as being anticipated by Sakurai.

Applicant respectfully submits, however, that Sakurai does not disclose or suggest all of the elements of the claimed invention, or for that matter, the advantages derived therefore, and therefore, clearly does not anticipate, or render obvious, the claimed invention.

For example, in the present Office Action, the Examiner alleges that Sakurai discloses a positioning unit 11 for positioning a disc (e.g., see Sakurai at column 5, lines

25-37) and a clamper unit 10 for performing a clamp operation (e.g., see Sakurai at column 5, lines 16-17).

However, Applicant respectfully submits that the disc guide 11 of Sakurai is not comparable to the claimed “positioning unit” recited, for example, in independent claim 1.

That is, the alleged positioning unit of Sakurai merely includes a pair of disc guides 11, which are provided on the side plates 4B and 4A of the inner casing 4, for temporarily supporting a disc or discs one on top of the other (e.g., see Sakurai at column 5, lines 25-27). The disc guides 11 merely move up and down in the Z-direction (i.e., the vertical direction) for aligning the disc or discs supported therein with the height of the opening of the insertion opening so that the discs can be inserted and/or removed from the disc guides through the insertion opening (e.g., see Sakurai at column 6, line 65, to column 7, line 12).

In comparison, the disc player of the claimed invention includes, among other things, a positioning unit for positioning a disc and a clamper unit for performing a clamp operation on the disc “positioned by said positioning unit”, as recited, for example, in independent claim 1.

In other words, the positioning unit according to the claimed invention positions the disc, not only in the vertical direction, but also in the lateral direction with respect to the drive unit, such that the disc can be clamped to the turntable by the clamper unit and rotated by the drive unit.

Thus, since the positioning unit and the clamper unit are provided separately from each other and movable substantially vertically to the drive unit, the claimed invention

can maintain a thin structure for the disc player (e.g., see specification at page 3, lines 13-20).

Moreover, the positioning unit of the disc player according to the claimed invention can accommodate discs having the same diameter, or discs of a plurality of different diameters. That is, the positioning unit of the disc player according to the claimed invention can be adapted to a disc player that accommodates, for example, only 8 cm diameter discs, only 12 cm diameter discs, or both 8 cm and 12 cm diameter discs.

In other words, the present invention is applicable to a disc player adapted to different kinds of discs different in diameter and/or to a disc player adapted to the same kind of discs having the same diameter. As would be known to the ordinarily skilled artisan, the positioning unit of the disc player according to the claimed invention has an advantage of being capable of accommodating discs of a set diameter and/or discs having a plurality of different diameters, and is not limited to the examples set forth above.

On the other hand, the device of Sakurai clearly cannot perform the functions of the claimed invention or provide the advantages derived from the claimed invention. Indeed, the device of Sakurai provides a structure with an increased thickness, since the pair of disc guides 11 temporarily supports the discs one on top of the other (e.g., see Sakurai at column 5, lines 25-27).

Thus, for the foregoing reasons, Applicant respectfully submits that independent claim 1 is neither anticipated by, nor rendered obvious from, Sakurai.

Moreover, with respect to dependent claims 8, 18, and 19, the Examiner alleges that Sakurai discloses that the moving amounts of the positioning unit and the clamper unit include different values (e.g., see Office Action at page 3, lines 16-18). However, Applicant respectfully notes that the Examiner has not cited any support for this position.

Indeed, Applicant respectfully submits that Sakurai does not disclose or suggest, or for that matter even mention, the values of the moving amounts of plate 11 and/or plate 10A (which the Examiner compares to the claimed positioning unit and the clamp plate).

Moreover, as the Examiner well knows, the drawings may not be relied upon to show the proportions of the elements when the drawings are not indicated as being drawn to scale (e.g., see M.P.E.P. § 2125).

Thus, for the foregoing reasons, Applicant respectfully submits that claims 8, 18, and 19 are neither anticipated by, nor rendered obvious from, Sakurai.

Somewhat similarly, with respect to dependent claim 9, the Examiner alleges that Sakurai shows “*that the moving amount of the clamper unit is the length of groove 4c (Fig. 2), which is set to a value larger than that of the positioning unit (the length of groove 4d (Fig. 2))*” (see Office Action at page 3, lines 19-21).

However, as mentioned above, the Examiner cannot rely on the drawings to show the proportions of the elements when the drawings are not indicated as being drawn to scale (e.g., see M.P.E.P. § 2125).

Since Sakurai does not disclose or suggest, or even mention, the lengths of the grooves 4c and 4d, or the vertical movement resulting from the movement of the pins in the grooves, Applicant respectfully submits that claim 9 clearly is not anticipated by, or rendered obvious from, Sakurai.

For the foregoing reasons, Applicant respectfully submits that Sakurai does not disclose, suggest, or even mention all of the features of the claimed invention, or for that matter, any of the advantages derived from the claimed invention.

Thus, Applicant respectfully submits that Sakurai clearly does not anticipate, or render obvious, the claimed invention, and therefore, respectfully requests that the Examiner withdraw this rejection and permit claims 1-3, 8, 9, 18, and 19 to pass to allowance.

#### IV. NEW CLAIMS

New claims 21-37 are added to provide more varied protection for the present invention as defined in the original specification and drawings.

Applicant respectfully submits that claims 21-37 are patentable over the cited references for somewhat similar reasons as those set forth above, as well as for the additional features recited therein.

For example, dependent claim 21 recites, *inter alia*, that “said positioning unit positions said disc in a direction parallel to said drive unit” (emphasis added).

On the other hand, dependent claim 22 recites, *inter alia*, that “said positioning unit positions said disc in a direction other than vertically to said drive unit” (emphasis added).

Further, claim 23 recites, *inter alia*, that “said disc comprises a plurality of discs comprising different diameters.”

Claim 24 recites, *inter alia*, that “said positioning unit positions one of said plurality of discs in a direction parallel to said drive unit based on a diameter of said one of said plurality of discs” (emphasis added).

Somewhat similarly, claim 25 recites, *inter alia*, that “said positioning unit is operable to position said plurality of discs in a direction parallel to said drive unit based on said different diameters of said plurality of discs” (emphasis added).

On the other hand, claim 27 recites, *inter alia*, that “said positioning unit positions said disc in a direction parallel to said drive unit and aligns said disc for rotating by said drive unit” (emphasis added).

Moreover, claim 29 recites, *inter alia*, that “the moving amounts of said positioning unit and said clamper unit comprise vertical moving amounts with respect to said drive plate” (emphasis added).

Applicants respectfully submit that, in addition to the reasons set forth above with respect to independent claim 1, Sakurai also clearly does not disclose or suggest the additional features recited in claims 21-30, and therefore, respectfully requests that the Examiner permit these claims to pass to immediate allowance.

On the other hand, claim 31 recites, *inter alia*, a disc player method, including “positioning a disc in a lateral direction; performing a vertical clamping operation on the disc after said disc is laterally positioned for clamping said disc on a turntable; rotating said disc clamped on said turntable by said clamping to take out information from the disc by said pickup, wherein said positioning unit and said clamper unit are provided separately from each other and movable substantially vertically to said drive unit” (emphasis added).

Applicants respectfully submit that, in addition to the reasons set forth above with respect to independent claim 1, Sakurai also clearly does not disclose or suggest the features recited in claim 31, and therefore, respectfully requests that the Examiner permit claim 31 to pass to immediate allowance.

On the other hand, claim 32 recites, *inter alia*, a disc player, including “means for positioning a disc in a lateral direction for rotating by a drive unit and to take out information from the disc by a pickup of said drive unit; means for performing a vertical



clamping operation on the disc after said disc is laterally positioned for rotating said disc on a turntable of said drive unit; wherein said means for positioning and said means for clamping are provided separately from each other and movable substantially vertically to said drive unit” (emphasis added).

Applicant respectfully submits that Sakurai clearly does not disclose or suggest any structure, equivalents thereof, or identity of function necessary for the claimed “means for positioning” or “means for performing”, as recited in claims 32-37.

Therefore, Applicant respectfully requests that the Examiner permit these claims to pass to immediate allowance.

#### **V. FORMAL MATTERS AND CONCLUSION**

The specification is amended to make minor editorial amendments. No new matter is added.

In view of the foregoing, Applicant submits that claims 1-37, all the claims presently pending in the application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.


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The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0481.

Respectfully submitted,

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